Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E.
HARMONY ROAD
INTELLECTUAL PROPERTY
ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED

JUL 2 2 2008

OFFICE OF PETITIONS

In re Application of

Lain et al.

Application No. 10/629,599

DECISION ON APPLICATION

Filed: 07/30/2003

FOR

Atty Docket No. 200205658-2 :

PATENT TERM ADJUSTMENT

This is a decision on the "LETTER (UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH IN PRACTICE BEFORE THE OFFICE)," filed January 28, 2008, which is properly treated as a petition under 37 CFR 1.705(b).

The application for patent term adjustment is granted to the extent indicated herein.

The Office has updated the PAIR screen to reflect that the correct patent term adjustment determination at the time of the mailing of the notice of allowance is **748 days.** A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 16, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 744 days. Applicants timely filed the

instant application for patent term adjustment¹. Applicants do not state a basis for their disagreement with the according of 744 days of patent term adjustment.

A review of the application history supports a conclusion that the number of days adjusted for Office delay and the number of days reduced for applicant delay are incorrect. A copy of the PAIR calculations for this application is enclosed.

Specifically, the reduction of 57 days of patent term adjustment was entered in error. The record does not reveal any circumstances that constitute a failure of applicants to engage in reasonable efforts to conclude processing or examination of the application. The Office should have assessed applicants a delay of zero (0) days.

Additionally, the adjustment of 53 days of patent term was entered in error. The Office mailed a notice of allowance on November 16, 2007, within four months of the filing of an appeal brief in compliance with 37 CFR 1.192 on August 16, 2007. See 37 CFR 1.703(a)(4). Thus, the adjustment of 53 days of patent term is not warranted.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is 744 days (744 days of Office delay - 0 days of applicant delay).

The Office will charge the \$200.00 fee set forth in 37 CFR 1.18(e) to the Deposit Account as authorized. No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

PALM Records indicate that the Issue Fee payment was received on January 28, 2008.

Telephone inquiries specific to this matter should be directed to Christina Tartera Donnell, Senior Petitions Attorney, at (571) 272-3211.

Ley A. Fries

Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of REVISED PAIR Screen

Day: Sunday Date: 7/20/2008

Time: 10:28:47

PALM INTRANET

PTA Calculations for Application: <u>10/629599</u>				
Application Filing Date:	07/30/2003	PTO Delay (PTO):	801	
Issue Date of Patent:		Three Years:	0	
Pre-Issue Petitions:	0	Applicant Delay (APPL):	57	
Post-Issue Petitions:	0	Total PTA (days):	748	
PTO Delay Adjustment:	4			

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
68	07/20/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	4		
61	11/16/2007	MAIL NOTICE OF ALLOWANCE	53		40
60	11/14/2007	ISSUE REVISION COMPLETED			
59	11/14/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
58	11/14/2007	DOCUMENT VERIFICATION			
57	11/13/2007	NOTICE OF ALLOWABILITY			
56	09/08/2007	APPEAL BRIEF REVIEW COMPLETE			
55	09/08/2007	DATE FORWARDED TO EXAMINER			
54	08/16/2007	APPEAL BRIEF FILED			
53	08/16/2007	NOTICE OF APPEAL FILED			
52	08/15/2007	MAIL ADVISORY ACTION (PTOL - 303)			•
51	08/14/2007	ADVISORY ACTION (PTOL-303)			
50	07/26/2007	DATE FORWARDED TO EXAMINER			
49	07/20/2007	AMENDMENT AFTER FINAL REJECTION		57	39
48	07/25/2007	NOTICE DEFECTIVE NOTICE OF APPEAL			
47	07/09/2007	NOTICE DEFECTIVE APPEAL BRIEF			
46	07/09/2007	MAIL ADVISORY ACTION (PTOL - 303)			
45	07/09/2007	ADVISORY ACTION (PTOL-303)			
44	06/29/2007	DATE FORWARDED TO EXAMINER			
43	05/24/2007	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
42	06/29/2007	APPEAL BRIEF REVIEW COMPLETE			
41	06/29/2007	DATE FORWARDED TO EXAMINER			
40.1	05/24/2007	DEFECTIVE / INCOMPLETE APPEAL BRIEF FILED			
40	05/24/2007	APPEAL BRIEF FILED			
			и 7	1	11

39 05/24/2007 NOTICE OF APPEAL FILED 38 05/16/2007 CASE DOCKETED TO EXAMINER IN GAU 37 03/13/2007 MAIL FINAL REJECTION (PTOL - 326) 36 03/09/2007 FINAL REJECTION 35 02/21/2007 CASE DOCKETED TO EXAMINER IN GAU 34 02/06/2007 CASE DOCKETED TO EXAMINER IN GAU 33 01/29/2007 DATE FORWARDED TO EXAMINER MAIL REJECTION 30 10/17/2007 RESPONSE AFTER NON-FINAL ACTION 31 01/17/2007 NEW OR ADDITIONAL DRAWING FILED MAIL NON-FINAL REJECTION 748 29 10/16/2006 MAIL NON-FINAL REJECTION MAIL NON-FINAL REJECT	
37 03/13/2007 MAIL FINAL REJECTION (PTOL - 326) 36 03/09/2007 FINAL REJECTION 35 02/21/2007 CASE DOCKETED TO EXAMINER IN GAU 34 02/06/2007 CASE DOCKETED TO EXAMINER IN GAU 33 01/29/2007 DATE FORWARDED TO EXAMINER 32 01/17/2007 RESPONSE AFTER NON-FINAL ACTION 31 01/17/2007 NEW OR ADDITIONAL DRAWING FILED 30 10/18/2006 MAIL NON-FINAL REJECTION 748 29 10/16/2006 NON-FINAL REJECTION 28 07/30/2003 INFORMATION DISCLOSURE STATEMENT CONSIDERED CONSIDER	
36 03/09/2007 FINAL REJECTION 35 02/21/2007 CASE DOCKETED TO EXAMINER IN GAU 34 02/06/2007 CASE DOCKETED TO EXAMINER IN GAU 33 01/29/2007 DATE FORWARDED TO EXAMINER IN GAU 33 01/29/2007 DATE FORWARDED TO EXAMINER	
35 02/21/2007 CASE DOCKETED TO EXAMINER IN GAU 34 02/06/2007 CASE DOCKETED TO EXAMINER IN GAU 33 01/29/2007 DATE FORWARDED TO EXAMINER 32 01/17/2007 RESPONSE AFTER NON-FINAL ACTION 31 01/17/2007 NEW OR ADDITIONAL DRAWING FILED 30 10/18/2006 MAIL NON-FINAL REJECTION 748 29 10/16/2006 NON-FINAL REJECTION 07/30/2003 INFORMATION DISCLOSURE STATEMENT CONSIDERED 27 10/31/2004 INFORMATION DISCLOSURE STATEMENT CONSIDERED 26 03/17/2004 INFORMATION DISCLOSURE STATEMENT CONSIDERED 27 11/14/2005 INFORMATION DISCLOSURE STATEMENT CONSIDERED 28 09/22/2006 CASE DOCKETED TO EXAMINER IN GAU 29 09/22/2006 CASE DOCKETED TO EXAMINER IN GAU 20 03/28/2006 CASE DOCKETED TO EXAMINER IN GAU 21 02/17/2006 CASE DOCKETED TO EXAMINER IN GAU 20 11/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 11/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 11/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 19 07/18/2005 CASE DOCKETED TO EXAMINER IN GAU 18 10/31/2003 REFERENCE CAPTURE ON IDS 16.7 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 10/30/2003 REFERENCE CAPTURE ON IDS 16.7 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 10/30/2003 REFERENCE CAPTURE ON IDS 16.7 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 16.0 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) 16.7 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) 16.7 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) 16.7 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) 16.0 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS)	
34 02/06/2007 CASE DOCKETED TO EXAMINER IN GAU 33 01/29/2007 DATE FORWARDED TO EXAMINER 32 01/17/2007 RESPONSE AFTER NON-FINAL ACTION 31 01/17/2007 NEW OR ADDITIONAL DRAWING FILED 30 10/18/2006 MAIL NON-FINAL REJECTION 748 29 10/16/2006 MON-FINAL REJECTION 07/30/2003 INFORMATION DISCLOSURE STATEMENT CONSIDERED 27 10/31/2003 INFORMATION DISCLOSURE STATEMENT CONSIDERED 26 03/17/2004 INFORMATION DISCLOSURE STATEMENT CONSIDERED 25 11/14/2005 INFORMATION DISCLOSURE STATEMENT CONSIDERED 24 09/22/2006 CASE DOCKETED TO EXAMINER IN GAU 22 03/28/2006 CASE DOCKETED TO EXAMINER IN GAU 21 02/17/2006 CASE DOCKETED TO EXAMINER IN GAU 21 02/17/2006 CASE DOCKETED TO EXAMINER IN GAU 20.7 11/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 11/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS) 11/14/2004 INFORMAT	
33 01/29/2007 DATE FORWARDED TO EXAMINER 32 01/17/2007 RESPONSE AFTER NON-FINAL ACTION 31 01/17/2007 NEW OR ADDITIONAL DRAWING FILED 30 10/18/2006 MAIL NON-FINAL REJECTION 748 29 10/16/2006 MAIL NON-FINAL REJECTION	
32	
31 01/17/2007 NEW OR ADDITIONAL DRAWING FILED 30 10/18/2006 MAIL NON-FINAL REJECTION 748 29 10/16/2006 NON-FINAL REJECTION 28 07/30/2003 INFORMATION DISCLOSURE STATEMENT CONSIDERED 27 10/31/2003 INFORMATION DISCLOSURE STATEMENT CONSIDERED 26 03/17/2004 INFORMATION DISCLOSURE STATEMENT CONSIDERED 27 11/14/2005 INFORMATION DISCLOSURE STATEMENT CONSIDERED 28 09/22/2006 CASE DOCKETED TO EXAMINER IN GAU 29 03/28/2006 CASE DOCKETED TO EXAMINER IN GAU 20 02/17/2006 CASE DOCKETED TO EXAMINER IN GAU 20 02/17/2006 CASE DOCKETED TO EXAMINER IN GAU 20 01/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 11/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 11/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS) 11/14/2005 CASE DOCKETED TO EXAMINER IN GAU 11/14/2005 CASE DOCKETED TO EXAMINER IN	
30	
29	
28	-1
28 07/30/2003 CONSIDERED	
27	
25	
25	
23	
22 03/28/2006 CASE DOCKETED TO EXAMINER IN GAU 21 02/17/2006 CASE DOCKETED TO EXAMINER IN GAU 20.7 11/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS) FILED	
21	
20.7 11/14/2005 INFORMATION DISCLOSURE STATEMENT (IDS)	
20	
10	
18 10/31/2003 REFERENCE CAPTURE ON IDS 17 07/30/2003 REFERENCE CAPTURE ON IDS 16.7 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) FILED 16 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS)	
17 07/30/2003 REFERENCE CAPTURE ON IDS 16.7 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) 16 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS)	
16.7 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS) 16. 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS)	
16.7 03/17/2004 FILED 16 03/17/2004 INFORMATION DISCLOSURE STATEMENT (IDS)	
15 07/30/2003 REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)	
14 02/26/2004 IFW TSS PROCESSING BY TECH CENTER COMPLETE	

13	02/26/2004	CASE DOCKETED TO EXAMINER IN GAU		
12.7	10/31/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
12	10/31/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
11.7	07/30/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED	·	
11	07/30/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
10	10/28/2003	APPLICATION RETURN FROM OIPE		
9	10/28/2003	APPLICATION IS NOW COMPLETE		
8	10/28/2003	PRE-EXAM OFFICE ACTION WITHDRAWN		
7_	10/28/2003	APPLICATION RETURN TO OIPE		
6	10/28/2003	APPLICATION DISPATCHED FROM OIPE		
5	10/28/2003	APPLICATION IS NOW COMPLETE		
4	10/17/2003	CASE CLASSIFIED BY OIPE		
3	10/17/2003	CLEARED BY OIPE CSR		
2	09/07/2003	IFW SCAN & PACR AUTO SECURITY REVIEW		
1	07/30/2003	INITIAL EXAM TEAM NN		

Search Another: Application#	Search
------------------------------	--------

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page